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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,381	04/15/2004	G. Ian Rowlandson	039199-9554-00

31058  
 MICHAEL BEST & FRIEDRICH LLP  
 100 EAST WISCONSIN AVENUE  
 MILWAUKEE, WI 53202-4108

Michael, Best & Friedrich LLP  
 RECEIVED

JUL 02 2004

DOCKETING  
 MILWAUKEE, WI

CONFIRMATION NO. 8457

FORMALITIES LETTER



\*OC000000013079749\*

Date Mailed: 06/28/2004

### NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/30/2004 HDEMESS1 00000053 502401 10825381

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

Filing Date Granted

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

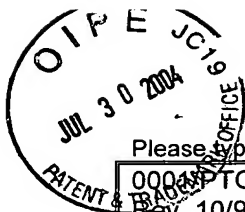
*A copy of this notice **MUST** be returned with the reply.*

Frederick

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Please type a plus sign (+) inside this box [+]

Patent and Trademark Office: U.S. Department of Commerce

0004 PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	10/825,381
		Filing Date	04/15/2004
		First Named Inventor	G. Ian Rowlandson
		Group Art Unit	
		Examiner Name	
TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Attorney Docket Number	146461 (5024-00123)
Total Number of pages in this Submission		9	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After final  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement/PTO-1449  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Checklist and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> After Allowance Communication To Group  <input type="checkbox"/> Appeal Communication to Board Of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group ( Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (Please identify below) <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Return receipt postcard</div>
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual Name	Joseph D. Kuborn, Reg. No. 40,689 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 East Wisconsin Avenue, Suite 1100, Milwaukee, WI 53202
Signature	
Date	July 27, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date:			
			July 27, 2004
Typed or printed name	Barbara A. Johnson		
Signature		Date	7/27/2004



<b>FEE TRANSMITTAL</b>		<b>COMPLETE IF KNOWN</b>																																																																																																																																																																																															
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<b>METHOD OF PAYMENT (check one)</b>				<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																													
<b>1.</b> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:  Deposit Account Number <span style="border: 1px solid black; padding: 2px 20px;">50-2401</span>  Deposit Account Name <span style="border: 1px solid black; padding: 2px 50px;">Andrus, Scealess, Starke &amp; Sawall, LLP</span>  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the Mailing Of the Notice of Allowance, 37 CFR 1.311(b)  <b>3.</b> <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				<b>2. Additional Fees</b>																																																																																																																																																																																													
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public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive unavoidably abandoned application</td><td></td></tr><tr><td>141</td><td>1,320</td><td>241</td><td>660</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr><tr><td>142</td><td>1,320</td><td>242</td><td>660</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>450</td><td>243</td><td>225</td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>670</td><td>244</td><td>335</td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Statement</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each 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to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for response within first month		116	400	216	200	Extension for response within second month		117	950	217	475	Extension for response within third month		118	1,510	218	755	Extension for response within fourth month		128	2,060	228	1,030	Extension for response within fifth month		119	310	219	155	Notice of appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive unavoidably abandoned application		141	1,320	241	660	Petition to revive unintentionally abandoned application		142	1,320	242	660	Utility issue fee (or reissue)		143	450	243	225	Design issue fee		144	670	244	335	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Statement		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))		149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) _____						Other fee (specify) _____						<b>SUBTOTAL (3) (\$ 130.00)</b>						*Reduced by Basic Filing Fee Paid	
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Appln. No. 10/825,381

Reply to Notice to File Missing Parts dated June 28, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: )  
)  
G. IAN ROWLANDSON ET AL )  
)  
Application No.: 10/825,381 )  
)  
Filed: 04/15/2004 )  
)  
Group Art Unit: )  
)  
Examiner: )  
)  
SYSTEM AND METHOD FOR )  
CORRELATING SLEEP APNEA AND )  
SUDDEN CARDIAC DEATH )

SUBMISSION OF DECLARATION

Mail Stop MISSING PARTS  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application,  
Filing Date Granted mailed June 28, 2004 enclosed are the following documents/items.

1. An executed declaration in this application executed by the inventors. The declaration includes the names and residences of the inventors. In accordance with the Commissioner's announcement in 1035 OG 3, the undersigned registered attorney states that Application Serial No. 10/825,381 is the application that the inventors executed by signing the attached declaration.

2. Please charge the surcharge of \$130.00 for late filing of the declaration to Deposit Account No. 50-2401. A duplicate copy of this submission is attached.

Appln. No. 10/825,381

Reply to Notice to File Missing Parts dated June 28, 2004

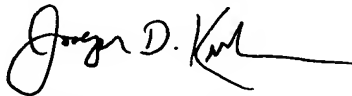
Submission of Declaration dated July 27, 2004

3. A copy of the Notice of June 28, 2004.

Issuance of a filing receipt and advancement of the application to examination is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

A handwritten signature in black ink, appearing to read "Joseph D. Kuborn", with a long horizontal flourish extending to the right.

Joseph D. Kuborn  
Reg. No. 40,689

Andrus, Sceales, Starke & Sawall  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
(414) 271-7590  
Docket No. 146461 (5024-00123)